



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
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CONSUMER PROTECTION DIVISION
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Press Release

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**ATTORNEY GENERAL DARRELL V. MCGRAW, JR.
WINS \$324,000 VERDICT IN
ST. ALBANS HEARING CENTER TRIAL**

Kanawha Circuit Judge James Stucky Thursday ordered former hearing aid dealer David McCuskey to pay the State \$212,210.40 in consumer restitution and \$112,000 in civil penalties for his violations of the West Virginia Consumer Credit and Protection Act. Mr. McCuskey is prohibited from fitting or selling hearing aids until he has paid all amounts due under the order.

Attorney General Darrell V. McGraw sued McCuskey in October 2001 because he failed to provide consumers information and disclosures that are required by law and because he engaged in deceptive and misleading advertising.

The Court determined that McCuskey's failure to provide the information required by the hearing aid dealer licensing law was an unfair or deceptive act or practice under the West Virginia Consumer Credit and Protection Act because it omitted material facts in connection with the sale of goods. For this reason, all sales in the seven years preceding the State's complaints were illegal. The Court also found that McCuskey continued to fit and sell hearing aids after his hearing aid dealer license expired in June 2001. Attorney General McGraw warns, "Before buying hearing aids from a hearing aid dealer, be sure to investigate your purchase. Have your hearing tested by a medical doctor or a licensed audiologist. Check with the West Virginia Board of Hearing Aid Dealers to see if the dealer is in good standing and whether there have been complaints against him. Because hearing aids can cost thousands of dollars, consumers should shop around before making a purchase. And, finally, if the aids don't help, ask for a refund."

Of the restitution ordered, \$209,154.36 will be used to reimburse 77 consumers for the cost of their hearing aids; \$2,163.54 will be used to reimburse consumers who paid for hearing aid repairs that should have been free under warranty; and \$892.50 will be used to reimburse a consumer who had to file a lawsuit in order to enforce her 30-day right to cancel. The restitution ordered includes only consumers who had filed complaints prior to the trial.

If you would like to have more information, you can contact the West Virginia Attorney General's Consumer Protection Division at 304-558-8986 or toll free at 800-368-8808.

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